

Serial No. 10/734,660
Response to Office action dated March 23, 2005

REMARKS

By the present amendment, claims 1, 3, 9, 10, 13, 16, 17, and 20 have been amended; claims 8 and 14 have been cancelled. Claims 22, 23, and 24 have been added. Upon entry of the present amendment, claims 1-7, 9-13, and 15-24 will be pending in the application.

"An aqueous solvent-system photothermographic material" in the amendment of claims 1, 3, and 13 is supported in the disclosure at p. 100, lines 23-24 and p. 6, lines 21-24; it is clear that the "two layers" at p. 6, line 24 mean an image forming layer and a non-photosensitive outermost layer; "the outermost layer contains a water-soluble gelling agent" in the amendment of claim 1 is supported in the disclosure at p. 102, line 20- p.103, line 3. In claims 22, 23, and 24 the expression "the water-soluble gelling agent is a water-soluble polysaccharide" is supported by the disclosure at p. 103, lines 4 - 5.

Claims 1, 2, and 13 were rejected under 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious in view of U.S. Patent No. 6,156,491 to Goto. It is respectfully submitted that the claims, as amended, overcome this rejection.

Goto discloses a protective layer comprising a water-insoluble polymer latex and a water-soluble polyvinyl alcohol, but does not disclose the water-soluble gelling agent of the present invention. The property of losing fluidity upon a decrease in temperature does not occur in the solution of Goto; however, this property is found in the coating solution comprising a water-soluble gelling agent of the present invention. The addition of a water-soluble gelling agent would not be obvious in view of the difference between

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the coating solutions of Goto and those of the present invention. Therefore, it is respectfully requested that this rejection be withdrawn.

Claim 14 was rejected under 35 U.S.C. 103(a) under Goto taken in view of U.S. Patent No. 6,582,898 to Morita. It is respectfully submitted that claim 13 (which contains the limitations of cancelled claim 14) is patentably distinguishable from this combination of references. It is noted that the body of the rejection mentions Ishigaki but Ishigaki does not form part of the rejection.

The Goto patent has been discussed above. Morita discloses a gelling agent; however this gelling agent is for an organic solvent solution, which is fundamentally different from the gelling agent for aqueous solutions of the present invention. The gelling agent in the present invention decreases fluidity of the aqueous coating solution upon a decrease in temperature. In contrast, the gelling agent of Morita reduces fluidity of the organic-solvent coating solution upon addition to the solution without cooling, as disclosed in column 27, lines 40-68. Morita does not teach or suggest a gelling agent for reducing fluidity upon cooling in an aqueous solvent solution.

Therefore, a person having ordinary skill in the art would not have any motivation to combine the organic solvent gelling agent from Morita with the coating solution of Goto; it is respectfully requested that this rejection be withdrawn.

Claims 15-20 were rejected under 35 U.S.C. 103(a) as being unpatentable in view of the combination of Goto in view of U.S. Patent Publication 2001/0051319A1 to Oya et al. and U.S. Patent No. 4,113,854 to Andrews et al. This rejection is respectfully

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traversed. Again, it is noted that Ishigaki is mentioned in the body of the rejection, but not used in the rejection itself and is therefore not discussed.

Oya discloses a thickening agent to increase the viscosity of a coating solution, but does not disclose the gelling agent of the present invention. The thickening agent in Oya and the gelling agent in present invention are fundamentally different from each other because the former only increases the viscosity of a solution, but the latter can cause a temperature-dependent decrease in fluidity.

It is respectfully submitted that the Andrews patent is non-analogous art as it is not directed to the field of the present invention (photothermography) nor is it related to solving a problem solved by the present invention (a temperature-dependent decrease in fluidity). Instead, Andrews relates to the treatment of cow mastitis, a totally unrelated technology. Further, Andrews only discloses a thickening agent for a latex solution, and does not disclose the gelling agent of present invention. Therefore, a combination of Oya and Andrews with Goto does not teach or suggest the present invention and it is respectfully requested that this rejection be withdrawn.


Claims 3-5 were rejected under 35 U.S.C. 102(b) or, in the alternative, under 103(a) as obvious in view of U.S. Patent No. 6,621,754 to Ishigaki et al. This rejection is respectfully traversed. The outermost layer of Ishigaki comprises a latex and polyvinyl alcohol, but does not lose fluidity upon a decrease in temperature. Further, Ishigaki does not disclose or suggest gelling of the outermost layer upon a decrease in temperature. Therefore, it is respectfully requested that this rejection be withdrawn.

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Claims 6-12 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Goto, Oya, and Andrews. Once again, Ishigaki is mentioned but not used in the rejection. As set forth above, Goto and Oya do not teach or suggest gelling of the outermost layer of a photothermographic material upon a decrease in temperature. One of ordinary skill in the photothermographic art would not look to Andrews to solve the problem of temperature-dependent decrease in fluidity. Therefore, it is respectfully requested that this rejection be withdrawn.

In view of the foregoing amendments and remarks, it is submitted that all of the claims currently pending in the application are in condition for allowance. Early and favorable action is respectfully requested.

Respectfully submitted,



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